

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ERICKSON PRODUCTIONS, INC. and
JIM ERICKSON,

Plaintiffs,

v.

KRAIG R. KAST,

Defendant.

Case No. 5:13-CV-05472-HRL

Hon. Howard R. Lloyd

VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided during the Jury Instructions previously provided to you and those included throughout this Verdict Form.

Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

The jury shall answer the following questions as to each of the Plaintiffs' photographs at issue in this case. Your answers to each question must be unanimous.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

Claims Related to Image # 15079

Liability

1. Direct Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for direct infringement of Plaintiffs' copyrights in this Photo?

___ Yes ☒ No

2. Vicarious Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for vicarious infringement of Plaintiffs' copyrights in this Photo?

☒ Yes ___ No

3. Contributory Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for contributory infringement of Plaintiffs' copyrights in this Photo?

☒ Yes ___ No

Damages

If you answered Yes to any of Questions 1 through 3, you must next determine the amount of statutory damages to award Plaintiffs for the infringement related to this Photo. The potential range of statutory damages may vary if you determine that the infringement was either willful or innocent. An infringement does not have to be either willful or innocent; you may determine that the infringement was neither willful nor innocent.

4. Do you find by a preponderance of the evidence that the infringement of Plaintiffs' copyrights in this Photo was innocent, willful, or neither?

___ Neither ___ Innocent ☒ Willful

5. Statutory Damages: What amount do you award in statutory damages for the infringement of Plaintiffs' copyrights in this Photo?

- The Copyright Act permits you to award statutory damages of not less than \$750 and not more than \$30,000 for the infringement related to this Photo.
- However, if you determined that the infringement was innocent, the Copyright Act limits the statutory damages award for the infringement to \$200.
- Conversely, if you determined that the infringement was willful, the Copyright Act permits you to award statutory damages of up to \$150,000 for the infringement related to this Photo.

Amount Awarded: \$ 150,000

Claims Related to Image # 3540

Liability

6. Direct Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for direct infringement of Plaintiffs' copyrights in this Photo?

____ Yes ☒ No

7. Vicarious Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for vicarious infringement of Plaintiffs' copyrights in this Photo?

☒ Yes ____ No

8. Contributory Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for contributory infringement of Plaintiffs' copyrights in this Photo?

☒ Yes ____ No

Damages

If you answered Yes to any of Questions 6 through 8, you must next determine the amount of statutory damages to award Plaintiffs for the infringement related to this Photo. The potential range of statutory damages may vary if you determine that the infringement was either willful or innocent. An infringement does not have to be either willful or innocent; you may determine that the infringement was neither willful nor innocent.

9. Do you find by a preponderance of the evidence that the infringement of Plaintiffs' copyrights in this Photo was innocent, willful, or neither?

____ Neither ____ Innocent ☒ Willful

10. Statutory Damages: What amount do you award in statutory damages for the infringement of Plaintiffs' copyrights in this Photo?

- The Copyright Act permits you to award statutory damages of not less than \$750 and not more than \$30,000 for the infringement related to this Photo.
- However, if you determined that the infringement was innocent, the Copyright Act limits the statutory damages award for the infringement to \$200.
- Conversely, if you determined that the infringement was willful, the Copyright Act permits you to award statutory damages of up to \$150,000 for the infringement related to this Photo.

Amount Awarded: \$ 150,000

Claims Related to Image # 21002

Liability

11. Direct Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for direct infringement of Plaintiffs' copyrights in this Photo?

___ Yes ☒ No

12. Vicarious Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for vicarious infringement of Plaintiffs' copyrights in this Photo?

☒ Yes ___ No

13. Contributory Infringement: Do you find by a preponderance of the evidence that Defendant Kast is liable for contributory infringement of Plaintiffs' copyrights in this Photo?

☒ Yes ___ No

Damages

If you answered Yes to any of Questions 11 through 13, you must next determine the amount of statutory damages to award Plaintiffs for the infringement related to this Photo. The potential range of statutory damages may vary if you determine that the infringement was either willful or innocent. An infringement does not have to be either willful or innocent; you may determine that the infringement was neither willful nor innocent.

14. Do you find by a preponderance of the evidence that the infringement of Plaintiffs' copyrights in this Photo was innocent, willful, or neither?

___ Neither ___ Innocent ☒ Willful

15. Statutory Damages: What amount do you award in statutory damages for the infringement of Plaintiffs' copyrights in this Photo?

- The Copyright Act permits you to award statutory damages of not less than \$750 and not more than \$30,000 for the infringement related to this Photo.
- However, if you determined that the infringement was innocent, the Copyright Act limits the statutory damages award for the infringement to \$200.
- Conversely, if you determined that the infringement was willful, the Copyright Act permits you to award statutory damages of up to \$150,000 for the infringement related to this Photo.

Amount Awarded: \$ 150,000

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations.

The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Security Guard that you have reached a verdict.

DATED: 4/15/15

BY: *Jiff Lork*
(Presiding Juror)